

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTOPHER MCCRAY,

Petitioner,

Civil No. 2:08-CV-15166

HONORABLE DENISE PAGE HOOD

v.

CINDI CURTIN,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION [dkt. #18]

On December 21, 2011, the court issued an order denying Petitioner's motion to continue stay. Petitioner has now filed a motion for reconsideration. For the reasons stated below, the court will deny the motion for reconsideration.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, the arguments raised by Petitioner in his motion for reconsideration were already raised, either explicitly or by reasonable implication, in

Petitioner's motion to continue stay and denied by the Court in its order denying that motion. Because Petitioner is merely presenting issues which were already ruled upon by the court, either expressly or by reasonable implication, when the court denied the motion, the motion for reconsideration will be denied. *See Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

Accordingly, **IT IS ORDERED** that Petitioner's "Motion For Reconsideration" [Dkt. # 18] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 29, 2012

I hereby certify that a copy of the foregoing document was served upon Christopher McCray #376263, OAKS CORRECTIONAL FACILITY, 1500 CABERFAE HIGHWAY, MANISTEE, MI 49660 and counsel of record on February 29, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager